

## **REMARKS**

### **Status of the Claims**

Claims 1-28 are currently pending in the application and subject to a Restriction Requirement. (See, Office Communication of March 31, 2008, at page 2, hereinafter, "Office Communication").

### **Interview**

Applicants and Applicants' representative thank the Examiner for extending the courtesy of an interview on April 24, 2008. During the interview, two issues were clarified concerning the Restriction Requirement and Species Election. First, it was clarified by the Examiner that the recitation of SEQ ID NO:25 on page 4 of the Office Communication was incorrect and should instead read "SEQ ID NO:26." Second, the Examiner clarified that if Applicants did not elect a Group which encompasses claims reciting any of SEQ ID NOS: 26, 65 or 66, a response to the species election was not necessary. Herein, Applicants have elected Group I, encompassing claims 2-5 and 7, none of which recite any of SEQ ID NOS: 26, 65 or 66. Thus, no response to the Species Election is required.

### **Restriction Requirement/Election of Species**

Claims 1-28 are subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. (See, Office Communication, at page 2).

**For the purpose of continuing prosecution of the present application, Applicants elect, without traverse, Group I, claims 2-5 and 7.**

The Examiner further states that claim 1 is a linking claim, linking inventions I, II and III and that upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. (*Id.* at page 3).

Furthermore, according to MPEP § 1893.03(d), the Examiner is respectfully reminded that if the Examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are allowable, the nonelected invention(s) should be considered for rejoinder. Any nonelected process claim that requires all the limitations of an allowable process claim, should be rejoined. (*See*, MPEP § 821.04 and § 821.04(a)).

### **Species Election**

Applicants respectfully refer the Examiner to the comments, above, concerning the interview conducted on April 24, 2008. Herein, Applicants have elected Group I, encompassing claims 2-5 and 7, none of which recite any of SEQ ID NOS: 26, 65 or 66. Thus, no response to the Species Election is required.

Application No. 10/556,903  
Amendment dated April 30, 2008  
Reply to Office Communication of March 31, 2008

Docket No.: 1254-0298PUS1

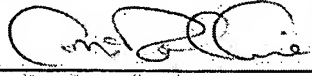
**CONCLUSION**

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 30, 2008

Respectfully submitted,

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